

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID G. CANTRELL,

Plaintiff,

v.

ADMINISTRATIVE SUBDIVISION, et al.,

Defendants.

Case No. C07-5568FDB

ORDER TO SHOW
CAUSE

This matter is before the court on plaintiff's submission of a complaint and application to proceed *in forma pauperis*. Plaintiff has also filed a motion for an extension of time. The Court, having reviewed the record, does hereby find and ORDER.

(1) On April 26, 1996, the President signed into law the Prison Litigation Reform Act, which affects *in forma pauperis* applications and civil complaints brought by prisoners seeking relief under § 1983. The *in forma pauperis* statute now states:

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the ground that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Prisoner Litigation Reform Act of 1995 § 804(d) (will be codified as amended at 28 U.S.C. § 1915). Over the past several years, Mr. Cantrell has filed several § 1983 complaints with the court while he has been incarcerated. Significantly, this court has identified at least three cases that were dismissed because

1 plaintiff either failed to state a proper claim or the claim was frivolous or malicious. See C93-1680CRD,
2 C03-344C, and C07-5272RJB. The court also notes plaintiff has failed to file his complaint on a court
3 approved form. The approved form commonly used asks plaintiff to disclose whether or not he has
4 brought any previous or similar lawsuits while he was in prison.

5 (2) Due to the fact that plaintiff's complaint does not allege that he is under imminent danger of
6 serious physical injury and it appears plaintiff has previously filed three or more actions which have been
7 dismissed on the ground that they were frivolous, malicious, or failed to state a claim upon which relief
8 could be granted, **Plaintiff is required to show cause by not later than January 24, 2008, why this**
9 **action should not be dismissed as required by § 1915(g), quoted above.**

10 (3) The Clerk is directed to send plaintiff a copy of this Order.

11 DATED this 3rd day of January, 2008.

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13 /s/ J. Kelley Arnold
14 J. Kelley Arnold
United States Magistrate Judge
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